

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12906, of Herbert and Susan Wadsworth, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from Paragraph 7107.21 allowing an addition to a dwelling which now exceeds the allowable percentage of lot occupancy and from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed addition in the R-4 District at the premises 458 New Jersey Avenue, S.E. (Square 694, Lot 800).

HEARING DATE: April 11, 1979

DECISION DATE: April 11, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the north-eastern intersection of New Jersey and North Carolina Avenues and is known as 458 New Jersey Avenue, S.E. It is in an R-4 District.
2. The subject lot is 977 square feet in area. It has no rear yard. The width of the lot at the front facing New Jersey Avenue is 24.70 feet. The width of the lot at the rear is sixteen feet. There is a three foot wide public alley to the rear of the property. The lot shape is trapezoidal.
3. The subject property is improved with a two bedroom single family dwelling. Previously, the structure had been used as a three unit apartment house.
4. The existing structure exceeds the sixty percent lot occupancy limitation of the R-4 District by 256.60 square feet.
5. The applicant proposes to construct a second story side addition on top of an existing part of the building to serve as a third bedroom for his family of four. The proposed addition will not increase the lot occupancy.
6. The existing building projects over the property line into public space. The proposed addition would project into public space to the same degree.

7. The Zoning Administrator advised the Board that projections into public space are controlled by the Building Code not by the Zoning Regulations. The applicant, if the Board grants the variance, must then proceed to obtain approval from the Building Department as to the projection into public space before a permit can be issued.

8. The Zoning Regulations require that the width of an open court for a single family dwelling in an R-4 zone be not less than six feet. An open court having a width of only two feet is being provided. A variance of four feet is thus required.

9. Advisory Neighborhood Commission - 6B, in a letter dated April 10, 1979, stated that due to the unexpected cancellation of the April meeting, the Commission was unable to vote any action on the case.

10. There was no opposition to the application at the hearing.

CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the applicants are requesting two area variances, the granting of which requires a showing of a practical difficulty in the property itself. The Board concludes that the practical difficulty is inherent in the property because of its shallowness and its irregular shape. The Board also notes that the lot occupancy is not being increased in the proposed addition.

The Board further concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the approval of the Building Department of the projection into the public space.

VOTE: 4-0 (Theodore F. Mariani, Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh to GRANT, Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THE ORDER.